

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WAYNE A. STOKER,

v.

TRINITY INDUSTRIES PLANT 19

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Case No. 2:16-cv-578-JRG-RSP

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation filed by Magistrate Judge Payne on February 10, 2017 (Dkt. No. 73) recommending granting of Dkt. No. 7, Defendant's Motion to Dismiss (the "Motion"). Plaintiff has not filed a timely objection to the Report and Recommendation. The Recommendation is adopted.

IT IS ORDERED that the Defendant's Motion to Dismiss Trinity's Motion to Dismiss (Dkt. No. 7) is **GRANTED**, and that the case be **DISMISSED WITHOUT PREJUDICE**

So ORDERED and SIGNED this 14th day of March, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE